

**STATE OF SOUTH CAROLINA**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**Docket No. 2019-326-E**

In the Matter of:

South Carolina Energy Freedom Act (House Bill  
3659) Proceeding to Address S.C. Code Ann.  
Section 58-27-460(A)(1) and S.C. Code Ann.  
Section 58-27-460(A)(2) (Promulgation and  
Periodic Review of Standards for Interconnection  
and Parallel Operation of Generating Facilities to  
an Electrical Utility's Distribution and  
Transmission System)

**PETITION TO INTERVENE OF  
BRIGHTNIGHT, LLC**

BrightNight, LLC ("BrightNight"), pursuant to SC Code of Laws § 58-41-20(A) and SC Code of Regs. 103-825, respectfully submits this petition to intervene out of time in the above-captioned proceeding currently pending before the South Carolina Public Service Commission (the "Commission"). In support of its petition, BrightNight states as follows:

1. In Order No. 2019-728, the Commission indicated that it was opening a new docket to consider revisions to the standards for interconnection and parallel operation of generating facilities to an electrical utility's distribution and transmission system, where such interconnection is under the jurisdiction of the Commission pursuant to Title 16, Chapter 12, Subchapter II of the United States Code, as amended, regulations and orders of the Federal Energy Regulatory Commission, and the laws of South Carolina.

2. On October 1, 2020, in Order No. 2020-660, the Commission, granted the request of the Interested Parties<sup>1</sup> to hold all deadlines in abeyance, including the hearing date, and for the Commission to engage in a Two-Phase Approach regarding its periodic review of the standards for interconnection and parallel operation of generating facilities to an electrical utility's distribution and transmission system. The first phase will be a review of queue reform and the second phase will involve parts of the South Carolina Generator Interconnection Procedures.

3. On November 17, 2020, DEC/DEP filed a Queue Reform Proposal filing under Phase 1 of the Two-Phase Approach, and on February 10, 2021, the Commission approved the Queue Reform Proposal. DEC/DEP then began stakeholder engagement under Phase 2 of the Two-Phase Approach to consider revisions to the South Carolina Generator Interconnection Procedures.

4. On January 12, 2022, DEC/DEP filed a proposed Appendix DESC SC to the South Carolina Generator Interconnection Procedures. Through its proposal, DEC/DEP, requested authorization of its transition from a serial study generator interconnection approach to a cluster study generator interconnection approach. Comments or responses to this proposal were due February 9, 2022.

5. BrightNight has a substantial and specific economic interest in the development and operation of renewable energy in South Carolina and, thus, in the Commission's actions thereon. BrightNight is a developer of renewable energy projects throughout the United States and recently entered the market in South Carolina.<sup>2</sup> These South Carolina projects would be impacted by the decisions this Commission makes in the above-captioned matter.

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<sup>1</sup> The Interested Parties were defined as Duke Energy Carolinas, LLC ("DEC"), Duke Energy Progress, LLC ("DEP"), Dominion Energy South Carolina, Inc. ("DESC"), the South Carolina Solar Business Alliance, Inc. ("SBA"), and Southern Current, LLC ("Southern Current").

<sup>2</sup> BrightNight is a Delaware limited liability company with U.S.-based offices in California and Florida.

6. In particular, the Commission's resolution of the subject matter of this Docket will affect opportunities to develop renewables and clean energy alternatives in South Carolina—which squarely impacts the demand and economics for the exact type of clean energy projects in which BrightNight specializes. Thus, BrightNight's commercial projects and plans would be directly and substantially affected by the outcome of this proceeding. For those reasons, among others, BrightNight's interests in this proceeding cannot be adequately represented or protected by any other party.

7. BrightNight recognizes that the Commission has established a procedural schedule for this proceeding and that the time for seeking intervention on right has passed. Despite that, good cause exists to allow BrightNight to intervene at this stage and BrightNight's participation would not inconvenience or prejudice the parties. As background, until recently BrightNight has not participated in Dockets at this Commission, and has only recently entered the market in South Carolina.

8. BrightNight's out of time filing will not prejudice any party. BrightNight will accept the record of the proceeding as the record was developed prior to its late intervention. BrightNight's intervention will not disrupt the proceeding nor prejudice or impose additional burdens on any other parties in this docket. Thus, good cause has been shown for granting this late intervention request.

9. BrightNight has consulted with Counsel for DEC/DEP, who has indicated no objection at this time.

10. BrightNight's participation would constructively add to this proceeding by contributing to the development of a complete record based on BrightNight's unique and substantial business interest in developing renewable energy projects in South Carolina.

11. Granting BrightNight's request to intervene in this proceeding is in the public interest and is consistent with the policies of the Commission in encouraging maximum public participation in issues before it.

12. Pursuant to Rule 103-804, BrightNight states that it is represented by the following counsel in this proceeding:

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WHEREFORE, Petitioner BrightNight, LLC prays that it be allowed to intervene as a party of record and participate fully in this proceeding.

Respectfully submitted this 24<sup>nd</sup> day of February, 2022.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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 Periodic Review of Standards for Interconnection  
 and Parallel Operation of Generating Facilities to  
 an Electrical Utility's Distribution and  
 Transmission System)

**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one copy of the **Petition to Intervene of BrightNight, LLC** to the persons named below at the addresses set forth via electronic mail and e-filing:

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/s/ Weston Adams, III  
Weston Adams, III

Columbia, South Carolina  
February 24, 2022